

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CUSTOMER NO. 22927

Applicants: Walker et al.
Application No.: 09/523,653
Filed: March 10, 2000
Title: METHOD, SYSTEM AND COMPUTER PROGRAM PRODUCT FOR
FACILITATING AN AUCTION BEHAVIOR AND AUTOMATIC
BIDDING IN AN AUCTION
Attorney Docket No. 99-062
Confirmation No. 5172
Group Art Unit: 3694
Examiner: COLBERT, Ella

Commission for Patents
P.O. Box 1450
Alexandria, VA 22323 1450

INTERVIEW SUMMARY
of the telephonic interview conducted on March 12, 2007

Dear Examiner:

In response to the Interview Summary dated March 20, 2007 (Paper No. 20070314), and pursuant to 37 CFR 1.133, Applicants file this paper which includes a Statement of the Substance of the Interview.

This document is being filed by the Applicants' representative on behalf of the present Applicants for patent. Accordingly, references to "we", "us" "our" and the like all indicate the present Applicants for patent.

STATEMENT OF SUBSTANCE OF INTERVIEW

The undersigned attorney for Applicants initially contacted Examiner Colbert by telephone on or about March 8, 2007 to request a personal interview on April 30, 2007, but was informed that this particular date in April was inconvenient. Thus, a telephonic interview was scheduled for March 12, 2007 to discuss portions of our Amendment and Response to the Office Action dated November 3, 2006.

During the telephonic interview of March 12, 2007, Applicants' attorney pointed out that the drawing objections for Figures 8, 16 and 17 were substantially the same as those made in the Office Action dated May 12, 2004 in the present application, and which were addressed in our Amendment and Response filed on June 9, 2004. We explained that it appeared that, according to a review of the secured "Patent Application Retrieval Information" (Private PAIR) portal on the USPTO website, that the June 9th Amendment was received by the Office. Applicants' attorney requested the withdrawal of this objection based on the entry of the earlier filed drawing corrections, and the Examiner stated that she would check to make sure that those drawing corrections had indeed been entered.

Applicants' attorney also asked the Examiner about the numerous objections to the drawings that were based on allegedly failing to comply with 37 CFR 1.84(p)(4). We pointed out that this section seems to have been misapplied, as it does not require a one to one correspondence between a designated element in the specification and the label that appears for the same reference number in the figures, and requested withdrawal of these objections.

Next, the cited U.S. Published Application No. 2001/0027431 to Rupp et al. (hereinafter "Rupp"), was discussed as it relates to the pending claims. In particular, Applicants' Attorney explained that Rupp does not teach or suggest "*specifying an auction behavior*" or "*specifying at least one rule for controlling when an bid may be placed*" as recited by claim 1 because the definition of "auction behavior", previously made of record, is:

"An auction behavior is a manner in which bids in an auction are placed, for example, the times at which they are placed, the frequency with which they are placed, and the amount by which they exceed any previous bid." (See specification, page 9, lines 28-31)

Applicants' attorney explained that Rupp does not teach or suggest such operation because Rupp is directed to solving a different problem, namely providing methods and systems

for adjusting a total bid value for a multiple variable bid. Accordingly, Rupp does not concern “auction behavior” as recited by claim **1**. The Examiner stated that she would consider our arguments, which are presented in more detail in our Amendment and Response mailed on March 5, 2007.

During our conversation, the Examiner asked several questions concerning some of the claim language, and in particular requested a statement from the Applicant’s Attorney of where in the specification support exists for the recitations found in pending claim **10**. Applicant’s Attorney called back on or about March 14th, 2007 and left a voice mail message for the Examiner indicating that support for claim **10** could be found, for example, on page 10, lines 4-19 of the application.

Although several of the pending claims were discussed in view of the cited art, no agreement was reached concerning patentability. Lastly, during the interview the Examiner stated that she would request an “electronic search” before issuing another Action in the present application.

Applicants do not believe that any fees are due for the submission of this paper, but if a fee should be necessary to continue prosecution of the present application, please also charge any such required fee to our Deposit Account No. 50-0271. In addition, please credit any overpayment to Deposit Account No. 50-0271.

Applicants respectfully continue to assert that all of claims **1 - 24, 35 and 56** are in condition for allowance, and request early re-examination and reconsideration.

If there are any questions regarding the present application, or if any suggestions for expediting allowance of the present application arise, the Examiner is cordially requested to contact Stephan Filipek at telephone number (203) 461-7252 or via electronic mail at sfilipek@walkerdigital.com.

Respectfully submitted,

March 26, 2007
Date

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